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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,660

06/21/2006

Masatoshi Sasai

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38834

7590

04/28/2009

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

1250 CONNECTICUT AVENUE, NW

SUITE 700

WASHINGTON, DC 20036

EXAMINER

CHAWAN, SHEELA C

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,660

Applicant(s)

SASAI, MASATOSHI

Examiner

SHEELA C. CHAWAN

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-100)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 6/21/06

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/21/06, the information disclosure statement is being considered by the examiner.

Drawings

3. The Examiner has approved drawings filed on 6/21/06.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuyama et al., (US. 6,327,379 B2).

As to claim 1, Matsuyama discloses a substrate inspection apparatus for inspecting a formation state of a pattern area formed on a substrate (column 1, lines 10-12), the substrate inspection apparatus comprising:

an inspection data generation means for generating inspection data in the inside (pattern image fig 4, element 21) and outside of a pattern area to be inspected (pattern outside is auxiliary pattern, fig 4, element 22); and

a determination means for determining whether the pattern area is defective or not defective by comparing the inspection data of the inside of the pattern area generated by the inspection data generation means with predetermined inside reference inspection data and comparing the inspection data of the outside with predetermined outside reference inspection data (fig 4, element 29, column 4, lines 42- 67, column 5, lines 1-23, column 7, lines 40- 64).

As to claim 2, Matsuyama discloses the substrate inspection apparatus according to Claim 1, wherein the type of the inspection data of the inside of the pattern area differs from the type of the inspection data of the outside (column 7, lines 55- 64) .

As to claim 3, Matsuyama discloses the substrate inspection apparatus according to Claim 1, wherein the inspection data of the inside of the pattern area is data about luminance and the inspection data of the outside is data about shapes (note, intensity corresponds to luminance , column 1, lines 13 – 22, column 5, lines 33 – 46, column 8, lines 19- 31) .

Other prior art cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Companion et al., (US. 6, 330, 354 B1) discloses method of analyzing visual inspection image data to find defects on a device.

Obara et al., (US. 6,870,169 B2) discloses method and apparatus for analyzing composition of defects.

Koso (US. 4,783,826) discloses pattern inspection system.

Kawahara et al., (US. 5, 608,816) discloses apparatus for inspecting a wiring pattern according to a micro-inspection and a macro-inspection performed in parallel.

Shikata (US. 7, 058,221 B1) discloses method of recognizing object based on a pattern matching and medium for recording computer program having same.

TsujiKawa et al., (US. 5, 555, 316) discloses inspecting apparatus of mounting state of component or printing state of cream solder in mounting line of electronic component.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272- 7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sheela C Chawan/

4/23/09

Primary Examiner, Art Unit 2624